S.B.Cr.Misc. II Bail App. No. 1547/2007
(Gopal Vs. State of Rajasthan)

Date of order : 07/05/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. B.N.Kalla for the petitioner.

Mr. Rameshwar Dave, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the challan papers as also statements of witnesses recorded by the trial court. I have also gone through the statement of prosecutrix and her mother PW-4.

The mother of the prosecutrix has not supported the prosecution case and has turned hostile. The prosecutrix stated that the villagers caughthold the prosecutrix and the petitioner. At the time when the villagers caughthold the prosecutrix and petitioner, the prosecutrix had not complained anything to the villagers.

Looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case which may prejudice the case of either of the parties at trial, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this second bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Gopal S/o Bannaji be released on bail in FIR No. 101/2005 P.S. Phulia Kallan, provided

he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP